## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

| JOE T. WILLIAMS,                 | )  |
|----------------------------------|--|
| Plaintiff,                       | )  |
| v.                               | ) Case No. 3:08-cv-0164<br>) Judge Trauger |
| THE CITY OF FRANKLIN, TENNESSEE, | )  |
| JAMES R. JOHNSON,                | )  |
| RANDY WETMORE,                   | )  |
| SHIRLEY HARMON,                  | )  |
| and MARY DODSON RANDOLPH,        | )  |
|                                  | )  |
| Defendants.                      | )  |

## **ORDER**

For the reasons expressed in the accompanying Memorandum, the Motion of Defendant Mary Dodson Randolph to Dismiss and/or for Summary Judgment on the Grounds of Qualified Immunity and for Failure to State a Claim is **GRANTED** in part and **DENIED** in part. The motion for qualified immunity is denied with respect to the plaintiff's retaliation claims arising under the First Amendment and granted with respect to the plaintiff's procedural and substantive due process claims arising under the Fourteenth Amendment. The motion for failure to state a claim is granted with respect to the plaintiff's conspiracy claims arising under 42 U.S.C. § 1985, as the plaintiff has conceded those claims.

Additionally, the stay of discovery of defendant Randolph that was put in place by the order of Magistrate Judge Griffin pending the resolution of defendant Randolph's motion is hereby **LIFTED**.

It is so Ordered.

Entered this 18th day of November 2008.

ALETA A. TRAUGER/

United States District Judge